

REMARKS

Claims 1-20 remain in this application. Claims 1, 9 and 16 have been amended.

I. OBJECTIONS TO THE SPECIFICATION

A. ABSTRACT

The Abstract was objected to as not commencing on a separate sheet in accordance with 37 CFR 1.52(b)(4). However, Applicant's copy of the application does include an Abstract that commences on a separate sheet. Therefore, Applicant is unsure how to respond to the Examiner's objection. Applicant has attached a copy of the specification as filed hereto for the convenience of the Examiner. As such, Applicant requests the Examiner to withdraw the objection to the Abstract.

B. DISCLOSURE

The disclosure was objected to due to the following informalities:

1. Page 1, Lines 26-28: The Examiner indicated that the cited passage recited the Abstract in the Summary of the Invention. However, as can be seen on the attached copy of the specification, Page 1, Lines 26-28 does not recite the Abstract, shown on Page 10. Therefore, Applicant again is unsure how to respond to the Examiner's objection, and Applicant respectfully requests the Examiner to withdraw the objection to Page 1, Lines 26-28.
2. Acronyms: The Examiner objected to the use of acronyms throughout, and requested that they be explicitly defined. In response, Applicant has amended the specification in an attempt to define various acronyms, as requested by the Examiner. However, if there are additional undefined acronyms that the Examiner objects to, Applicant respectfully requests the Examiner to specifically point out which acronyms and where in the specification these objected-to acronyms

can be found, so that Applicant has the opportunity to correct any remaining issues.

3. Page 2, Line 18: The Examiner noted a typographical error on this line, and requested that “he” be changed to “the.” In response, Applicant has amended the specification in accordance with the Examiner’s request. Therefore, Applicant respectfully requests the Examiner to withdraw the objection to Page 2.

II. OBJECTIONS TO THE CLAIMS

A. Claims 1, 9, 12 and 13

Claims 1, 9, 12 and 13 were objected to as containing redundant claim language. In particular, the Examiner felt that the claim language “establishing a Wireless Access Protocol (WAP) Browser session between the MS and a WAP gateway” is redundant to the claim language “establishing a WAP session between the MS and the WAP gateway.” Although Applicant disagrees with the Examiner that the cited language is redundant, for the purpose of expediting allowance, Applicant has amended Claims 1 and 9 to remove the so-called redundant claim language. In addition, although the Examiner did not object to independent Claim 16, Applicant amended Claim 16 to remove the so-called redundant claim language, again to expedite allowance of the application. Claims 12 and 13 did not contain the above-recited language, and Applicant could not find any other redundant claim language in Claims 12 and 13. As such, Applicant is unsure how to respond to the objections to Claims 12 and 13. In light of the above amendments and comments, Applicant respectfully requests the Examiner to withdraw the objections to Claims 1, 9, 12 and 13.

B. Claims 5, 12 and 20

Claims 5, 12, 15 and 20 were objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Regarding Claims 5, 12 and 20, the Examiner felt that Claims 1, 9 and 16 on which they depend, respectively, already recite

“selection of the plurality of internet audio contents.” However, Claims 5, 12 and 20 do not simply recite “selection of the plurality of internet audio contents.” Instead, Claims 5, 12 and 20 recite “changing the selection of the plurality of internet audio contents.” As such, Applicant believes that Claims 5, 12 and 20 do further limit a previous claim, and respectfully request the Examiner to withdraw the objection to Claims 5, 12 and 20.

C. Claim 15

Claim 15 was objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. In particular, the Examiner felt that Claim 9 on which it depends already recites “audio content streamed from the internet audio to the MS.” However, Claim 9 does not recite streaming of audio content, but rather simply that the audio content is sent to the MS. As such, Applicant believes that Claim 15 does further limit a previous claim, and respectfully request the Examiner to withdraw the objection to Claim 15.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 1, 9 and 16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, Claims 1, 9 and 16 were objected to due to the recitation of “Wireless Access Protocol” and “Private Data Service Node”. In response, Applicant has amended Claims 1, 9 and 16 to now recite “Wireless Application Protocol” and “Packet Data Service Node”, as requested by the Examiner. Therefore, Applicant respectfully requests the Examiner to withdraw the § 112 rejections to Claims 1, 9 and 16.

IV. REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-5, 8-12 and 15-20 were rejected under 35 U.S.C. § 102(a) as being anticipated by Feakes (GB 2360169 A). Applicant respectfully submits that these rejections are overcome for the exemplary reasons provided below.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Independent Claim 1 recites: “*receiving a call from the MS at the Internet Audio Gateway, the call including a mobile identity identifying the MS within a network; using the mobile identity to retrieve a selection of the plurality of Internet Audio contents.*” Applicants note that similar recitations can be found in independent Claims 9 and 16. Applicants respectfully submit that the above-quoted feature is not taught by Feakes.

In Feakes, during the WAP session via the WAP gateway 14, the mobile telephone can link to an audio proxy 24 to enable the user of the mobile telephone to listen to a desired real-time audio stream (*see, Page 10, Lines 8-32*). The audio proxy 24 then determines the local audio gateway 26 to be used based on the location of the mobile telephone (*see, Page 10, Line 33 – Page 11, Line 28*). Next, the audio proxy 24 requests a telephone number to be associated with the audio stream from the local audio gateway 26 and provides this telephone number to the mobile telephone for use in establishing a call connection with the local audio gateway 26 (*see, Page 11, Line 29 – Page 13, Line 35*). The telephone number is selected from a pool of telephone numbers assigned to the local audio gateway 26 (*see, Page 12, Lines 11-14*). Based on the received telephone number, the local audio gateway 26 is able to determine the particular audio stream to stream to the mobile telephone (*see, Page 13, Line 30 – Page 14, Line 29*).

Thus, in Feakes, it is the telephone number assigned to the local audio gateway that is used to identify and stream the correct audio stream to the mobile telephone. By contrast, in the present invention, it is a mobile identity that identifies the mobile within a network that is used to retrieve the correct audio stream and provide it to the mobile telephone. There is no teaching or suggestion in Feakes that a mobile identity, as defined in the claims, could be used to retrieve the correct audio stream.

In view of the foregoing discussion, Applicant respectfully submits that Feakes does not teach each and every element of independent Claims 1, 9 and 16 (and their dependent Claims)

arranged as they are in the claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 102(e) rejections of Claims 1-5, 8-12 and 15-20.

V. REJECTIONS UNDER 35 U.S.C. § 103

Claims 6, 7, 13 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Feakes in view of Preston et al. (US Patent Application Publication No. 2001/0015965 A1). Applicant respectfully traverses these rejections for the exemplary reasons provided below.

The aforementioned Claims 6, 7, 13 and 14 recite all of the exemplary features discussed above with respect to the rejections of Claims 1 and 9. Preston et al. fails to remedy the above-described deficiencies of Feakes by failing to teach or describe any mechanism for “*receiving a call from the MS at the Internet Audio Gateway, the call including a mobile identity identifying the MS within a network; using the mobile identity to retrieve a selection of the plurality of Internet Audio contents.*”

Therefore, Applicant respectfully submits that the rejections of Claims 6, 7, 13 and 4 are overcome for at least the same reasons given above with respect to the rejections of Claims 1 and 9. As such, Applicant respectfully requests withdrawal of the § 103 rejections of Claims 6, 7, 13 and 14.

CONCLUSION

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact Holly Rudnick at (214) 387-8097.

Respectfully submitted,
GARLICK HARRISON & MARKISON

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/Holly L. Rudnick/

Holly L. Rudnick
Reg. No. 43,065

Garlick, Harrison & Markison
P.O. Box 160727
Austin, Texas 78716-0727
(Direct) (214) 387-8097
(Fax) (214) 387-7949
(Email) hrudnick@texaspatents.com